

### **REMARKS**

By this Amendment, claims 1-2 are amended, claims 6-7 are cancelled, and claim 11 is added. Thus, claims 1-2 and 11 are active in the application. Reexamination and reconsideration of the application are respectfully requested.

Minor editorial revisions have been made to the specification to improve its English grammar and to correct a typographical error. The above amendments to the specification do not constitute new matter. Accordingly, the Applicants respectfully request that the specification be revised to include the above revisions.

An Information Disclosure Statement was filed on May 11, 2006 to make the Kumita et al. (U.S. 6,411,515) reference cited by the Examiner in related co-pending U.S. application Serial No. 10/629,546 of record in the present application. The Applicants respectfully request the Examiner to consider this reference and to return an Examiner-initialed copy of the May 11, 2006 Form PTO-1449 to indicate consideration of this reference.

In item 1 on page 2 of the Office Action, claim 6 was objected to because of the identified informalities. The objection to claim 6 is believed to be moot in view of the cancellation of claim 6.

Furthermore, new claim 11, which has been added in favor of cancelled claim 6, does not contain the limitations of cancelled claim 6 to which the Examiner objected.

In item 3 on page 2 of the Office Action, claims 6 and 7 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. This rejection is believed to be moot with respect to the cancellation of claims 6 and 7.

Furthermore, the Applicants respectfully submit that this rejection is inapplicable to new claim 11, as new claim 11 has been drafted to correct the indefinite limitation of cancelled claim 6 that was raised by the Examiner in item 3(a) on page 2 of the Office Action.

It is noted that the “correction device” recited in new claim 11 is supported, for example, in lines 17-21 on page 21 of the specification and by the “recording pulse correcting means 24” illustrated in Figure 1.

In item 6 on page 3 of the Office Action, claims 1-2 and 6-7 were rejected under 35 U.S.C. § 102(b) as being anticipated by Spruit et al. (U.S. 5,617,399, hereinafter "Spruit"). This rejection is believed to be moot with respect to claims 6 and 7 in view of the cancellation of claims 6 and 7.

The rejection of claims 1 and 2 is respectfully traversed for the following reasons. Furthermore, the Applicants respectfully submit that this rejection is inapplicable to new claim 11 for the following reasons.

Generally, a recording pulse can be controlled from two different aspects, where one is the control of a pulse position in the time domain, and the other is the control of a pulse amplitude to change a write intensity.

Spruit discloses that a recording pulse is controlled by a write intensity E which is a value of a radiation beam 15 that is focused on a recording layer 6. In particular, Spruit discloses a method for determining an optimal value for the write intensity E of the value of the radiation beam 15 (see Column 1, lines 25-56 and Column 7, lines 14-45).

However, the method of determining an optimal write intensity E according to Spruit does not even contemplate using recording pulse position information.

In stark contrast to Spruit, the present invention, as recited by claims 5 and 10-12, controls a recording position by pulse position. In particular, the present invention provides the following advantageous features:

- (a) the selecting of the recording pulse position information based on jitter, and
- (b) the storing of the recording pulse information by using a mark length and space length.

Feature (a) of the present invention provides the following advantage. According to the present invention, the recording pulse information is used for controlling the recording pulse. For controlling the recording pulse position, the pulse rising edge and/or the pulse falling edge can be appropriately adjusted. Thus, the present invention accomplishes a precise control of a recording pulse. In contrast to the present invention, Spruit only adjusts the value of the radiation beam 15 for controlling the write intensity E.

Feature (b) of the present invention provides the following advantage. According to the present invention, the spaces between the recording marks are controlled, in

addition to the marks. Therefore, the present invention achieves a precise and sophisticated control of a recording pulse. In contrast, Spruit only adjusts the value of the radiation beam 15 for controlling the write intensity E, and does not even contemplate the space between marks (see Column 2, lines 50-51).

Claims 1 and 11 recite the above-described features of the present invention. In particular, claims 1 and 11 each recite that a recording pulse parameter for an optical disc is obtained by using recording pulse position information for plural possible mark length and space length combinations, where the recording pulse position information used for a test write with less jitter is selected. The operations of claim 1 and the structural components of the apparatus of claim 11 each perform operations based on recording pulse position information. Furthermore, the apparatus of claim 11 is recited as comprising a storing unit for storing the recording pulse position information for each of a plurality of mark length and space length combinations.

In view of the fact that Spruit does not even contemplate using recording pulse position information for plural possible mark length and space length combination, the Applicants respectfully submit that Spruit clearly does not disclose or suggest each and every limitation of claims 1 and 11.

Accordingly, claims 1 and 11 are clearly not anticipated by Spruit since Spruit fails to disclose or suggest each and every limitation of claims 1 and 11.

Furthermore, in view of the marked differences between the inventions of claims 1 and 11 and Spruit, the Applicants respectfully submit that one skilled in the art would not have been motivated to modify Spruit in such a manner as to result in, or otherwise render obvious, the inventions of claims 1 and 11.

Therefore, it is submitted that the claims 1 and 11, as well as claim 2 which depends therefrom, are clearly allowable over the prior art as applied by the Examiner.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice thereof is respectfully solicited.

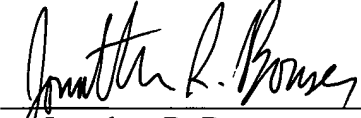
If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the

Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

A fee and a Petition for a one-month Extension of Time are filed herewith pursuant to 37 CFR § 1.136(a).

Respectfully submitted,

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